

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

## **ORDER DENYING DEFENDANT'S MOTION TO DISMISS**

On April 4, 2007, the Defendant, Silgan Closures, filed a Motion to Dismiss for failure to state a claim upon which relief can be granted.

The Court notes that at Docket No. 9 the *pro se* Plaintiff did provide to the Court a copy of what appears to be a Charge of Discrimination signed by her on February 22, 2006. The “Charge” does not contain any indication that it was actually filed or received by the Equal Employment Opportunity Commission or the Human Relations Commission. Nevertheless, it does describe a conceivable set of facts and alleges causes of action for discrimination based on the *pro se* Plaintiff’s gender, age, and perhaps arising out of retaliation. Based on the checking of the appropriate boxes, and specifically and particularly considering the facts alleged in paragraphs III(I) and (J) found in the “Charge,” the Court can discern that the *pro se* Plaintiff has stated a cause of action for discrimination based on her gender, age, and perhaps in retaliation for

exercising protected rights. Therefore, the Defendant's Motion to Dismiss (Docket # 17) is **DENIED**.

It is **SO ORDERED** this 29th day of May 2007.



RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Copy to:

Elizabeth Ann Mayer  
3911 W. Oregon  
Evansville, IN 47720

Electronic Copies to:

Susannah M. Pieper  
ICE MILLER LLP  
[susannah.pieper@icemiller.com](mailto:susannah.pieper@icemiller.com)

Michael L. Tooley  
ICE MILLER LLP  
[tooley@icemiller.com](mailto:tooley@icemiller.com)